

REMARKS

Status of the Claims

Upon entry of the amendment dated April 25, 2011, claims 1-6, 8-10, 12-16, 20, 21, 36, 49-52, 58-65, 68-72, 73-87 will be in the application including pending claims 1-6, 8, 10, 12-16, 20, 36, 49-52 and 58-65, 68-72, 73-87, and withdrawn claims 9 and 21.

By way of this supplemental amendment, claims 52, 58-63, 74 and 78 have been canceled, and new claims 88-99 have been added.

Upon entry of this supplemental amendment, claims 1-6, 8-10, 12-16, 20, 21, 36, 49-51, 64, 65, 68-72, 73, 75-77 and 79-99 will be in the application including pending claims 1-6, 8, 10, 12-16, 20, 36, 49-51, 64, 65, 68-72, 73, 75-77 and 79-99, and withdrawn claims 9 and 21.

Summary of the Amendment

Claims 52, 58-63, 74 and 78 are directed to non-elected species and canceled without prejudice.

New claims 88-99 refer to specific embodiments of the invention. New claims 88-99 each read on the elected species.

New claim 88 refers to methods of treating individual who have been identified as having cancer that comprises cancer cells that have a high rate of aerobic glycolysis. The methods comprise step of administering to the individual a therapeutically effective amount of an ATP citrate lyase inhibitor. Support for new claim 88 is found throughout the specification and claims as filed.

New claim 89 and 90 are dependent on new claim 88 and refer to individual who have been identified as having cancer that comprises cancer cells that have a high rate of aerobic glycolysis as having been identified using PET scanning. Support for new claims 89-90 is found throughout the specification and claims as filed.

New claims 91-93 are dependent on new claim 88 and refer to the cancer that comprises cancer cells having a high rate of aerobic glycolysis as having activation of Akt or deletion of PTEN. Support for new claims 79-81 is found throughout the specification such as in paragraphs [0072], [0073], [0075] and [0077] of the specification as published November 8, 2007 as U.S.

DOCKET NO. UPN0012-100 (130694.01201)
PATENT

SERIAL NO. 10/556,220
FILED: December 4, 2006

Patent Publication 20070259956.

New claim 94 is dependent on new claim 88 and refers to administering to said individual a therapeutically effective amount of (-) hydroxycitrate. Support for new claim 94 is found throughout the specification and claims as filed.

New claims 95 and 96 are dependent on new claim 88 and refer to types of cancer. Support for new claims 95 and 96 is found throughout the specification such as in Example 3 (paragraphs [0103] of the specification as published November 8, 2007 as U.S. Patent Publication 20070259956.

New claims 97-99 are dependent on new claim 88 and refer to combination therapies. Support for new claims 97-99 is found throughout the specification such as in paragraphs [0045] - [0047] of the specification as published November 8, 2007 as U.S. Patent Publication 20070259956.

No new matter has been added.

Conclusion

Claims 1-6, 8, 10, 12-16, 20, 36, 49-52 and 58-65, 68-72, 73-99 are in condition for allowance. Applicants respectfully request that claims 9 and 21 be rejoined as additional species and that claims 1 -6, 8-10, 12-16, 20, 21, 36, 49-52 and 58-65,68-72, 73-99 be allowed at this time. A notice of allowance is earnestly solicited. Applicants invite the Examiner to contact the undersigned at 610.640.7855 to clarify any unresolved issues raised by this response.

The Commissioner is hereby authorized to charge any deficiencies of fees and credit of any overpayments to Deposit Account No. 50-0436.

Respectfully submitted,

/Mark DeLuca, Reg. No. 33,229/

Mark DeLuca

Registration No. 33,229

Dated: April 27, 2011

PEPPER HAMILTON, LLP

400 Berwyn Park

899 Cassatt Road

Berwyn, PA 19312-1183

Telephone: 610-640-7855

Facsimile: 610-640-7835